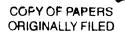
S Docket No. 49927 (71526)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Seya, et al.

SERIAL NO.:

09/601,371

FILED:

December 5, 2000

EXAMINER: S. Prasad GROUP:

1646

FOR:

CYTOKINE INDUCERS COMPRISING M161Ag

Assistant Commissioner for Patents Washington, D.C. 20231

RECEIVED

JUN 1 2 2002

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES (37 C.F.R. 1.191)

TECH CENTER 1600/2900

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. Notice of Oct, 10, 1997, 62 F.R. 53131, at 53167.

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed November 15, 2001, finally rejecting 1-10.

The item(s) checked below are appropriate:

STATUS OF APPLICANT 1.

This application is on behalf of

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

Jusar m Oillon

Signature

Susan M. Dillon

(type or print name of person certifying)

06/10/2002 BNGUYEN1 00000018 09601371

Date: 5/15/02

02 FC:117

320.00 OP 920.00 OP (Notice of Appeal from the Primary Examiner to Board—page 1 of 3)

		[X]	other than a small entity a small entity.	/ .				
2.	FEE FOR FILING NOTICE OF APPEAL							
	Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Appeal Brief is:							
		[]	small entity	\$160.00				
		[X]	other than a small entity	\$320.00				
	Notice	of Appe	al fee due \$320.00					
3.	EXTE	EXTENSION OF TERM						
NOTE:	The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).							
(complete (a) or (b), as applicable)								
	The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.							
	(a) [X] Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:							
		Extens: (month) [] [] [X] []		Fee for other than small entity \$110.00 \$400.00 \$920.00 \$1,440.00	n Fee for small_entity \$55.00 \$200.00 \$460.00 \$72000			
Fee \$920.00								
If an ac	dditional	extensio	on of time is required, ple	ase consider this a	petition therefor.			
(check and complete the next item, if applicable)								
	(a)			-	has already been secured, and the fee is deducted from the total fee due for the			
Extension fee due with this request \$or								

	(b)	[]	petition is being i	eves that no extension of term is required. However, this conditional made to provide for the possibility that applicant has inadvertently d for a petition and fee for extension of time.			
4.	TOTAL FEE DUE						
The to	tal fee dı	ie is:					
	Extens	ion f	ppeal fee \$320. ee (if any) \$920. EE DUE \$1,240.	00			
5.	FEE PAYMENT						
	[X] Attached is a check in the sum of \$1,240.00 . [] Charge Account No the sum of \$ A duplicate of this transmittal is attached.						
6.	FEE DEFICIENCY						
NOTE:	additional deficiency included, charges properties the N	there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the dilitional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the efficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is cluded, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these larges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked to the Notice of April 7, 1986, 1065 O.G 31-33. [X] If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 04-1105					
				AND/OR			
	[X]	If a	ny additional fee for	claims is required, charge Account No. <u>04-1105</u>			
				SIGNATURE OF PRACTITIONER			
Reg. No. 38,256				Christine O'Day (type or print name of practitioner)			
Tel. No	o. (617)	439	-4444	EDWARDS & ANGELL, LLP P.O. Box 9169 P.O. Address			
Customer No. 21874				Boston, Massachusetts 02209			